

49 Unit consolidation

Section 7112(d) of the Statute provides for the consolidation of existing units:

(d) Two or more units which are in an agency and for which a labor organization is the exclusive representative may, upon petition by the agency or labor organization, be consolidated with or without an election into a single larger unit if the Authority considers the larger unit to be appropriate. The Authority shall certify the labor organization as the exclusive representative of the new larger unit.

For detailed guidance on unit consolidations, see RCL 13.

Relevant information:

- 1) Basic information corresponding to the appropriate unit criteria discussed in *HOG 37* and *RCL 1*.
- 2) The degree of commonality and integration of mission and functions of the components involved. Discuss the mission and organizational structure of the Agency and its relationship to the unit sought to be consolidated. Information is sought concerning:
 - < the existence of a central office and its authority, personnel and administrative functions;
 - < regional or field office structure;
 - < entities which operate from the central office.
 - < There must be a sufficient degree of commonality and integration of mission and function to justify the appropriateness of the consolidation unit.
- 3) The distribution of the employees involved throughout the organizational and geographical components of the Agency. This is a “primary element” in evaluating whether a community of interest exists in consolidation cases. *U.S. Department of the Air Force, Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio (AFMC)*, 55 FLRA 359, 364 (1999). Consider the following: locations of units sought to be consolidated; functions and work environment of bargaining unit employees.
- 4) The degree of similarity in the occupational undertakings of the employees in the proposed unit. Discuss the composition of the workforce. Information is obtained concerning:

- < the numbers, types and positions of employees in each unit sought to be consolidated,
- < the grade structure of the employees,
- < the supervisory ratio,
- < the total number of employees sought to be consolidated and as compared to other employees in the agency or activity that are not part of the proposed consolidation.

5) Bargaining history relating to proposed bargaining unit including: dates and copies of recognitions or certifications; information concerning the existence of contracts; grievance procedures and representation practices and dues checkoff.

6) Delegation and situs of authority for operations and policy. Who formulates and implements policy? How is it implemented? Discuss relationship between units and/or headquarters.

7) Locus and scope of personnel and labor relations authority and functions. Information is obtained concerning:

- < the extent there are centralized policies concerning personnel and labor relations matters, guidelines, etc.;
- < the parameters of local directors (or unit management) to exercise their discretionary authority;
- < the decentralization in implementing personnel policies and practices in the field; and
- < whether employees work under similar labor relations policies and procedures.

This factor does not require that labor relations and personnel decisions be processed centrally. *AFMC*, 55 *FLRA* at 364 *citing AAFES*, 5 *FLRA* at 659. “[t]he applicable legal standard looks to whether policy-making authority over personnel and labor relations policy is consistent with the proposed consolidation, rather than whether the administration or ‘operation’ of these policies is local or centralized.” *AFMC* at 364.

8) Degree of interchange between units. Information is obtained concerning the frequency and type of interchange that may occur between units sought to be consolidated and compare that information to the interchange between units in the proposed consolidation and other units. To what extent do employees share common personnel policies and practices, merit staffing programs and areas of consideration for reduction in force? Examine commonality in the payroll, hours of work, dress code and other working conditions such as hiring, firing, transfer, disciplinary actions training programs, awards programs etc.

- 9) Examine effective dealings including:
- a) efficient use of negotiation resources derived from negotiation of a single contract as compared to multi unit or multiple contracts. Past experience of the agency/activity and labor organization under a given unit structure in making effective dealings determinations. As a general matter, the Authority also considers the past collective bargaining experience of the parties in making "effective dealings" determinations. *FISC, Norfolk*, 52 FLRA at 961.
 - b) locus and scope of authority of responsible personnel office including whether personnel and labor relations authority is centralized and broad operating polices exist at the national level;
 - c) whether consolidation will reduce bargaining unit fragmentation, thereby, "promoting a more effective, comprehensive bargaining unit structure to effectuate the purposes of the Statute" (*AAFES*, 5 FLRA at 661-62);
 - d) whether the unit would adequately reflect the agency's organizational structure or would require creating a new agency structure. *Department of Defense, National Guard Bureau and National Federation of Federal Employees, Independent, Department of Defense, National Guard Bureau and National Association of Government Employees*, 13 FLRA 232, 237 (1983); *Department of Agriculture, Farmers Home Administration and National Federation of Federal Employees, Independent*, 20 FLRA 216, 221 (1985).
 - e) limitations on the ability to negotiate matters of critical concern to employees because of fragmentation of existing unit.
 - (i) are there any matters that could be negotiated if the units were consolidated?
 - (ii) would either party take different positions on negotiable issues if the unit were consolidated?
 - (iii) are there any special or unique concerns the employees have because of the nature of their work or their location; could certain local matters best be determined by local authority?
 - f) likelihood that people with greater expertise in negotiations will be available in a larger unit.
 - g) level at which labor relations policy is set in the agency; training in the implementation of a number of negotiated agreements and

grievance procedures covering employees performing essentially the same duties.

- 10) Examine efficiency of agency operations:
- a) benefits to be derived from a unit structure which bears some rational relationship to the operational and organizational structure of the agency/activity;
 - b) do the personnel who have operational authority also have authority in labor-management relations?
 - c) impact of a given unit structure on agency operations in terms of costs, productivity and use of resources.
 - (i) cost factors: personnel and impact on productivity as a result of one unit;
 - (ii) hours spent administering one unit versus many units and staffing requirements.
 - d) The extent to which the proposed consolidation reduces unit fragmentation and as a result, promotes an effective bargaining unit structure. See *DOT*, 5 FLRA at 652; *AAFES*, 5 FLRA at 661-62. In *AFMC*, 55 FLRA at 364, the Authority concluded that this statutory scheme reflects a judgment that consolidation and the resulting reduction in unit fragmentation promotes effective labor relations, as long as the resulting unit is appropriate.